

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

K&B FAMILY LIMITED PARTNERSHIP,

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Plaintiff,

No. CV05-571-SU

OPINION AND ORDER

v.

UNITED STATES OF AMERICA,

Defendant.

**MOSMAN, J.,**


On January 8, 2007, Magistrate Judge Sullivan issued Findings and Recommendation ("F&R") (#37) in the above-captioned case recommending the United States' motion for summary judgment (#19) be denied. No objections were filed.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review, I agree with Judge Sullivan's recommendation to DENY the motion for summary judgment (#19), and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 13<sup>th</sup> day of February, 2007.

A handwritten signature in black ink, reading "Michael W. Mosman", written over a horizontal line.

MICHAEL W. MOSMAN  
United States District Court